

**BEFORE THE PUBLIC SERVICE COMMISSION**  
**OF THE STATE OF DELAWARE**

IN THE MATTER OF THE APPLICATION OF       )  
TIDEWATER UTILITIES, INC. FOR A            )  
CERTIFICATE OF PUBLIC CONVENIENCE AND    )   PSC DOCKET NO. 17-0425  
NECESSITY TO PROVIDE WATER SERVICES     )   "COVERED BRIDGE TRAILS"  
PURSUANT TO 26 *DEL. C.* §203C            )  
(FILED JUNE 8, 2017)                        )

**ORDER NO. 9099**

**AND NOW**, this 22<sup>nd</sup> day of August, 2017, the Delaware Public Service Commission ("Commission") determines and orders the following:

**WHEREAS**, on June 8, 2017, Tidewater Utilities, Inc. ("Tidewater") filed an application ("Application"), pursuant to 26 *Del. C.* §203C(e)(1)b.2, which seeks from the Commission a Certificate of Public Convenience and Necessity ("CPCN") to expand its facilities and operations to provide water services to five parcels of land in Sussex County, Delaware, more specifically identified as Tax Map Parcel Numbers 335-11.00-55.00, 335-11.00-56.00, 335-11.00-59.00, 335-11.00-59.01, and 335-11.00-60.00, and referred to as "Covered Bridge Trails" (the "Proposed Service Area"); and

**WHEREAS**, the Commission Staff ("Staff") reviewed the Application to ensure compliance with the statutory provisions of 26 *Del. C.* §203C and 26 *Del. Admin. C.* §2002, the Commission's "Regulations Governing Certificates of Public Convenience and Necessity for Water Utilities" (the "Regulations"); and

**WHEREAS,** Staff notes that the Application included evidence that Tidewater had mailed to the landowners of record in the Proposed Service Area a notice regarding the Application and the options available to the landowners of record. In addition, Tidewater provided evidence via affidavits of publication to show that it had published notice of the Application in two newspapers of general circulation. Staff also notes that it has received no comments regarding Tidewater or the Application in response to the published notices; and

**WHEREAS,** Staff solicited comments from the Delaware Department of Natural Resources and Environmental Control ("DNREC"), the Office of the State Fire Marshal ("SFM"), and the Office of Drinking Water ("ODW") of the Division of Public Health ("DPH"). Staff was notified by both the SFM on June 28, 2017, and ODW on July 17, 2017, that neither agency had received a copy of the Application from Tidewater as required by the Regulations; and

**WHEREAS,** on July 17, 2017, Staff notified the Company of this issue. The Company immediately sent copies of the Application to the agencies and filed with the Commission a request for a waiver of the timing requirement set forth in 26 *Del. Admin. C.* §2002 - 6.1; and

**WHEREAS,** DNREC, SFM, and ODW have all responded to Staff and confirmed they have no issues relating to Tidewater's ability to provide safe, adequate, and reliable water services to its existing customers; and

**WHEREAS**, Staff has submitted to the Commission a memorandum that confirms the Application meets all of the requirements for granting Tidewater a CPCN for water services pursuant to 26 Del. C. §203C and the Regulations. Accordingly, Staff has recommended that the Commission grant the Company's request for a waiver of the timing requirements for coordination with other State agencies and approve the Application;

**NOW, THEREFORE, IT IS HEREBY ORDERED BY THE AFFIRMATIVE  
VOTE OF NO FEWER THAN THREE COMMISSIONERS:**

1. Pursuant to 26 Del. Admin. C. §2002-1.5, the Commission grants Tidewater a waiver of the timing requirements pertaining to the coordination with other State agencies regarding the CPCN Application.

2. Pursuant to 26 Del. C. §203C, the Commission grants a CPCN to Tidewater to provide water services to the Proposed Service Area.

3. Tidewater shall comply with any and all federal, state, county, and local statutes, ordinances, orders, regulations, rules, and permit conditions that are applicable, or may become applicable, to any matter involving water utility services provided to the service territory granted by this CPCN.

4. The Commission reserves the jurisdiction and authority to enter such further orders in this matter as may be deemed necessary or proper.

**BY ORDER OF THE COMMISSION:**

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Chair

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Commissioner

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Commissioner

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Commissioner

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Commissioner

ATTEST:

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Secretary